



***Substitute House Bill No. 6696***

***Public Act No. 05-23***

***AN ACT PREVENTING BANK OR CREDIT UNION  
IMPERSONATION AND MISLEADING ADVERTISEMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2005*) (a) No person shall use the name or trademark of a bank or any of its affiliates or any Connecticut credit union or federal credit union, as those terms are defined in section 36a-2 of the general statutes, in any commercial advertisement or solicitation for goods, products or services, where such usage, in the context of such advertisement or solicitation, has the capacity or tendency to mislead any consumer as to the existence or nature of any affiliation, connection, association or endorsement relationship between (1) the bank or its affiliates or such credit union, and (2) such person or the products, goods or services of such person. For the purposes of this subsection, the term "commercial advertisement or solicitation" includes the content of an Internet web site and direct mail solicitations.

(b) The Banking Commissioner shall enforce the provisions of subsection (a) of this section. Whenever it appears to the commissioner that any person has violated, is violating or is about to violate any of the provisions of said subsection (a), the commissioner may take action against such person in accordance with sections 36a-50 and 36a-52 of

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the general statutes, which shall include the right to seek injunctive relief, impose civil penalties and issue cease and desist orders, except that no civil penalty in excess of ten thousand dollars per violation may be imposed.

(c) Any bank or affiliate of a bank or any Connecticut credit union or federal credit union that has had its name or trademark used in violation of the provisions of subsection (a) of this section may, in addition to any other remedy authorized by law, bring an action in the superior court in the judicial district in which the bank or affiliate or credit union has a branch or office to enjoin any act in violation of the provisions of said subsection (a) and recover damages. The court shall award damages in the amount of the actual damages or ten thousand dollars per violation, whichever is greater. In any successful action for injunctive relief or for damages, the court shall award to the bank or affiliate or credit union, as the case may be, attorneys' fees and costs, including court costs.

Approved May 10, 2005